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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,911	08/31/2001	William H. Cresswell	10011553 -1	2188

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EXAMINER	
AKINTOLA, OLABODE	
ART UNIT	PAPER NUMBER
3691	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/943,911	CRESSWELL, WILLIAM H.	
	Examiner	Art Unit	
	Olabode Akintola	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) *13-18* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shane et al (U. S. Patent Application No. 20020016772) (Shane) in view of Grunbok, Jr. et al (U. S. Patent No. 6305603) (Grunbok) and further in view of Kara (U. S. Patent No. 6505179) (Kara).

Re Claims 1 and 3: Shane teaches a digital device including a processor, memory device (section [0103]), biometric scanner data input device (section [0025]), keypad (20), and wireless transmitter (section [0060]). A PDA is taught as an alternative for use with the system to Shane (section [0061]).

Shane does not explicitly teach a printer configured to locally print a negotiable instrument from the digital checkbook of the user for an amount defined by the financial transaction between the user and the purchasee; and a financial software manager program coupled to the processor, wherein financial records stored by the program are automatically updated by the processor after each transaction directly between the user, the payor financial institution of the user, and the payee financial institution of the purchasee.

Kara teaches teach a printer configured to locally print a negotiable instrument from the digital checkbook of the user for an amount defined by the financial transaction between the user and the purchasee (col. 9, lines 30-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Shane to include this functionality as taught by Kara. One would have been motivated to do this in order to expedite the settlement of the financial transaction by obviating the need to mail checks to payee.

Grunbok teaches a financial software manager program coupled to the processor, wherein financial records stored by the program are automatically updated by the processor after each transaction directly between the user, the payor financial institution of the user, and the payee financial institution of the purchasee (col. 1, line 66- col. 2, line 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Shane to include financial software manager program coupled to the processor, wherein financial records stored by the program are automatically updated by the processor after each transaction directly between the user, the payor financial institution of the user, and the payee financial institution of the purchasee as taught by Grunbok. One would have been

motivated to do this in order to allow a user to see updated account balances on the PDA; hence the user receives more accurate account information (Col. 1, lines 45-48).

Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shane in view of Grunbok in view of Kara as applied above and further in view of Waters et al (U. S. Patent Application No. 20020147600 (Waters).

Shane and Grunbok do not explicitly teach a fingerprint scanner and an infrared transmitter.

Waters teaches a fingerprint scanner (section [0004]) and an infrared transmitter (section [0023]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Shane to include a fingerprint scanner and an infrared transmitter as taught by Waters. One would have been motivated to do this to provide extra security for the transaction by using biometrics. Also, infrared transmission is a well-known wireless data transmitting means because of its high security and its non-susceptibility to radio interference.

Claims 5 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Shane in view of Grunbok in view of Kara as applied to claim 1 above and further in view of Matchett et al (U. S. Patent No. 5229764) (Matchett).

Re claim 5: Shane does not explicitly teach the step wherein the biometric scanner validates the identity of the individual at periodic intervals. Matchett teaches biometric scanner that validates the identity of the individual at periodic intervals (col. 2, lines 57-66). It would have been

obvious to one of ordinary skill in the art at the time of the invention to modify Shane to include this feature as taught by Matchett. One would have been motivated to do this to prevent unauthorized access to the system.

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shane in view of Grunbok in view of Kara in view of Matchett as applied to claim 5 above and further in view of Waters.

Re claims 6 and 8: See claims 2 and 4 analyses above.

Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shane in view of Grunbok in view of Kara in view of Matchett as applied to claim 5 above, and further of in view of Rongley (U.S Patent No. 5758322) (Rongley).

Shane does not explicitly teach a voice recognition data input device configured to interpret human speech and voice command and being operatively coupled to the processor. Rongley teaches a voice recognition data input device configured to interpret human speech and voice command and being operatively coupled to a processor (col. 2, lines 29-67; Fig. 2). Furthermore, the use of voice recognition input device is old, known and well established in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Shane to include this feature as taught by Rongley. One would have been motivated to do this in order to allow a user to have his/her hands free for other task, thereby enhancing the efficiency of the system (col. 1, lines 18-19).

Examiner notes: The limitation "for using the human speech interpretation to automatically find

both negotiable instrument payee information and electronic funds routing information" is treated as intended use of the voice recognition data input device. The examiner notes that the intended use (or field of use) of the claimed invention must results in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shane in view of Grunbok in view of Kara in view of Matchett in view of Rongley as applied to claim 9 above, and further in view of Waters.

Re claims 6 and 8: See claims 2 and 4 analyses above.

Response to Arguments

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Deming USPN 4823264 discloses an electronic funds transfer system.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

HANI M. KAZIMI
PRIMARY EXAMINER